

2005 DRAFTING REQUEST

Bill

Received: 01/07/2005

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Josh Zepnick (608) 266-1707

By/Representing: Connor Sabatino (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.Zepnick@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Immobilization, impoundment, and disposal of unregistered motor vehicles

Instructions:

Redraft 2003 LRB-2204 with LRBa1863 amendment

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/20/2005	wjackson 02/14/2005		_____			S&L
/1			rschluet 02/14/2005	_____	lemery 02/14/2005	lnorthro 02/28/2005	

FE Sent For:

<END>

→ At Intro.

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/?	agary						

FE Sent For:


<END>

5
2003 ASSEMBLY BILL 589

Wanted
by 2/17

D-Note

October 15, 2003 - Introduced by Representatives ZEPNICK, COGGS, OTT, SINICKI, TAYLOR and WEBER. Referred to Committee on Transportation.

LPS: Please
PNF

Regen

- 1 AN ACT *to repeal* 341.65 (2) (c) and 341.65 (2) (e) 2.; *to renumber* 341.65 (2) (e)
- 2 1. a., b. and c.; *to consolidate, renumber and amend* 341.65 (2) (e) (intro.)
- 3 and 1. (intro.); *to amend* 341.65 (1) (b), 341.65 (2) (b) and 885.237 (2); and *to*
- 4 *create* 341.65 (1) (ar) of the statutes; **relating to:** the immobilization,
- 5 impoundment, and disposal of unregistered motor vehicles.

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or any county may enact an ordinance prohibiting unregistered motor vehicles and providing for the immobilization, impoundment, and disposal of such vehicles. An "unregistered motor vehicle" is defined as any motor vehicle located upon a highway that is currently not registered and that reasonably appears to have been unregistered for at least 30 days. Current law provides that a person charged under a local ordinance with having an unregistered motor vehicle may not be convicted or subject to costs for immobilizing or impounding the vehicle if, at the time of the offense, the vehicle was exempt from registration in this state or a complete application for registration had already been submitted to the Department of Transportation (DOT).

This bill changes the definition of "unregistered motor vehicle" so that it applies to any motor vehicle located upon a highway that is not displaying valid license plates, a temporary operation plate, or (for vehicles registered with DOT on a quarterly or consecutive monthly basis) other evidence of registration, rather than to a motor vehicle that is currently not registered and which reasonably appears to

for the vehicle's current registration for a registration period that expired the preceding month

ASSEMBLY BILL 589

have been unregistered for at least 30 days. The bill eliminates the provision that specifies that a person may not be convicted of violating an ordinance or subject to immobilization or impoundment costs if, at the time of the offense, the vehicle was exempt from registration in this state or a complete registration application had already been submitted to DOT. Finally, the bill provides that parking enforcers who are employed by ~~or under contract with~~ a municipality or county or the state may enforce such ordinances.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 341.65 (1) (ar) of the statutes is created to read:

2 341.65 (1) (ar) "Parking enforcer" means a person who enforces nonmoving

3 traffic violations and who is employed by any municipality or county or by the state

4 ~~or, for such purpose, under contract with a municipality or county or the state.~~

5 **SECTION 2.** 341.65 (1) (b) of the statutes is amended to read:

6 341.65 (1) (b) "Unregistered motor vehicle" means any motor vehicle that is not

7 ~~currently registered and which is located upon a highway for such time and under~~

8 ~~such circumstances as to cause the motor vehicle to reasonably appear to have been~~

9 ~~unregistered for not less than 30 days and that is not displaying valid registration~~

10 ~~plates, a temporary operation plate, or other evidence of registration as provided~~

11 ~~under s. 341.18 (1).~~ (plain)

12 **SECTION 3.** 341.65 (2) (b) of the statutes is amended to read:

13 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county

14 traffic patrolman, state traffic officer or, conservation warden, or parking enforcer

15 who discovers any unregistered motor vehicle located upon any highway may cause

16 the motor vehicle to be immobilized with an immobilization device or removed to a

17 ~~suitable place of impoundment. Upon immobilization or removal of the motor~~

ASSEMBLY BILL 589

vehicle, the officer ~~or~~ warden, or parking enforcer shall notify the sheriff or chief of police of the location of the immobilized or impounded motor vehicle and the reason for the immobilization or impoundment.

SECTION 4. 341.65 (2) (c) of the statutes is repealed.

SECTION 5. 341.65 (2) (e) (intro.) and 1. (intro.) of the statutes are consolidated, renumbered 341.65 (2) (e) (intro.) and amended to read:

341.65 (2) (e) (intro.) Notwithstanding par. (g), the owner of an unregistered motor vehicle that is immobilized with an immobilization device or impounded under this subsection may secure release of the motor vehicle by ~~doing any of the following~~:

1. ~~Paying~~ paying any forfeiture imposed for violation of the municipal or county ordinance and the reasonable costs of immobilizing or impounding the motor vehicle or both, and providing satisfactory evidence of one of the following:

SECTION 6. 341.65 (2) (e) 1. a., b. and c. of the statutes are renumbered 341.65 (2) (e) 1m., 2m. and 3m.

SECTION 7. 341.65 (2) (e) 2. of the statutes is repealed.

SECTION 8. 885.237 (2) of the statutes is amended to read:

885.237 (2) Notwithstanding s. 341.04, the fact that an automobile or motor truck having a registered weight of 8,000 pounds or less is located on a highway, as defined in s. 340.01 (22), and is not displaying valid registration plates, a temporary operation plate or other evidence of registration as provided under s. 341.18 (1) is prima facie evidence, for purposes of ch. 341, that the vehicle is an unregistered or improperly registered vehicle. This subsection does not apply to violations of ordinances enacted under s. 341.65, but this subsection does apply to violations of ordinances enacted under s. 341.65, 2001 stats.

(END)

D-Note

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 589**

December 16, 2003 - Offered by Representative ZEPNICK.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 2, line 4: delete that line and substitute a period.

3 ~~2.~~ Page 2, line 11: after "(1)" insert ^(Neff) for the vehicle's current registration period
4 or for a registration period for the vehicle that expired within the immediately
5 preceding 31 days.^e

6 (END)

insert
2-11

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1553/lins
ARG:.....

INSERT 2-13:

341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county traffic patrolman, state traffic officer ~~or~~, conservation warden, or parking enforcer who discovers any unregistered motor vehicle located upon any highway may cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment. Upon immobilization or removal of the motor vehicle, the officer ~~or~~, warden, or parking enforcer shall notify the sheriff or chief of police of the location of the immobilized or impounded motor vehicle and the reason for the immobilization or impoundment. Upon causing the removal of the motor vehicle by a towing service, the officer ~~or~~, warden, or parking enforcer shall, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle, unless the officer or parking enforcer is employed by a municipality or county that has entered into a towing services agreement which requires the municipality or county to provide notice to such owner and lienholders of the towing.

History: 1991 a. 233; 1997 a. 27; 2003 a. 142, 321.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1553/1dn

ARG:.....

WLJ

ATTN: Connor Sabatino

Due to the enactment of 2003 Wisconsin Act 142, the treatment of s. 341.65 (2) (b) in the attached draft is more extensive than in 2003 AB-589. Please review the attached draft carefully to ensure that it is consistent with your intent.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1553/1dn
ARG:wlj:rs

February 14, 2005

ATTN: Connor Sabatino

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Northrop, Lori

From: Sabatino, Connor
Sent: Monday, February 28, 2005 10:40 AM
To: LRB.Legal
Subject: Draft review: LRB 05-1553/1 Topic: Immobilization, impoundment, and disposal of unregistered motor vehicles

It has been requested by <Sabatino, Connor> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1553/1 Topic: Immobilization, impoundment, and disposal of unregistered motor vehicles